

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By this amendment, claims 1 and 2 are amended. Claims 1-9, 11-14, 19-22, 24 and 27 are pending. Claims 5-8, 19-22, and 24 are allowed. Claim 14 is amended to delete the word "is" to correct a grammatical error. Claim 14 is not amended to further distinguish over the cited references. Claim 5, which originally depended on claim 1, is amended to include subject matter of claim 1, which was inadvertently not included in the previous amendment filed February 28, 2006. These amendments to claims 5 and 14 do not raise new issues that would require further consideration and/or search.

Applicant appreciates the allowance of claims 2 and 3 if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, claim 2 is amended to include all of the limitations of the base claim and intervening claims. Claim 3 depends from claim 2. Therefore, claims 2 and 3 are allowable.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Le Valley. This rejection is respectfully traversed. Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 UPSQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Le Valley does not disclose or suggest the feature of claim 1 that a connector on the base is configured to secure the pressure relief valve to the vehicle. The Office Action states that LeValley discloses a connector (G) on the base. The fastener (G) of LeValley is not configured to secure a pressure relief valve to a vehicle.

The allegation of the examiner that the valve disclosed in LeValley is capable of performing such functions does not fulfill the requirement of anticipation. In In re Robertson, 169 F.3d 743, 49 USPQ2d (Fed. Cir. 1999), the Federal Circuit reversed an anticipation holding because the prior art was only capable of being modified and one of ordinary skill would not have recognized such modification. As stated by the Federal Circuit In re Roberston, "The Board's theory that these two fastening devices in Wilson were *capable of* being intermingled to perform the same function as the third and first fastening elements in claim 76 is insufficient to show that the latter device was inherent in Wilson".

Though applicant maintains that claim 1 patentably distinguishes over the prior art, in deference to the examiner, claim 1 is amended to recite that the connector on the base includes structure configured to secure the pressure relief valve to the vehicle. Thus, claim 1 as amended provides sufficient structure that results in a structural difference between the claimed invention and the prior art and therefore, is patentably distinguishable from the prior art. This amendment to claim 1 does not raise new issues that would require further consideration and/or search. Thus, claim 1 is allowable.

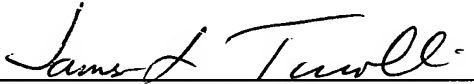
Claims 4, 9, 11-14, and 27 depend from claim 1 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

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In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


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